

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRAINTREE HOSPITAL LLC)	
d/b/a Northeast Specialty Hospital)	
of Braintree,)	
)	
Plaintiff,)	CIVIL ACTION
)	NO. 04-12136REK
vs.)	
)	
VIRGINIA SULLIVAN, JOHN SULLIVAN,)	
and PLUMBER'S UNION, LOCAL NO. 12)	
)	
Defendants.)	

AFFIDAVIT OF DAVID W. HEALEY IN SUPPORT OF
MOTION (*ASSENTED TO*) BY DEFENDANT PLUMBER'S UNION, LOCAL NO. 12
FOR ENLARGEMENT OF TIME IN WHICH TO FILE RESPONSIVE PLEADING

I, David W. Healey, being first duly sworn, do hereby depose and state of my own personal knowledge:

1. I am counsel to the Defendant Plumber's Union, Local No. 12 ("Plumber's 12").
2. I spoke with Plaintiff's counsel shortly after the Complaint was served upon Plumber's 12 and informed him that he had apparently named the wrong entity, in that his allegations of a plan that provided health coverage to Defendant Virginia Sullivan appeared to refer to a separate legal trust and ERISA covered employee welfare benefit plan, namely the "Plumbers' Union Local No. 12 Welfare Fund." Plaintiff's counsel, Anthony J. Pignone, stated that he was currently discussing settlement with the other defendants and would either settle the case and dismiss it as to all defendants, or would file an amended complaint to substitute the Plumbers' Union Local No. 12 Welfare Fund for the Plumber's 12 and thereby dismiss the Plumber's 12 from this action. He stated that he would accomplish this before December 1,

2004.

3. Plaintiff has assented to an extension of time for Plumber's 12 in which to file a responsive pleading through to and including December 1, 2004.

/s/David W. Healey

David W. Healey